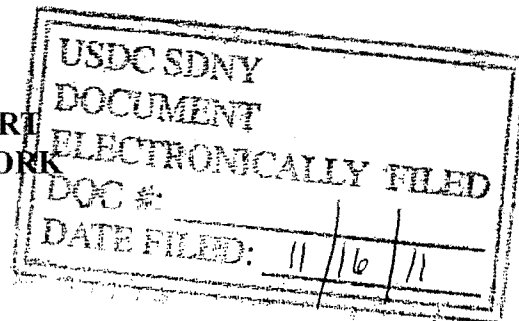


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



In re AMERICAN EXPRESS FINANCIAL
ADVISORS SECURITIES LITIGATION

Master File No. 04 Civ. 1773 (DAB)

DAB/
11/16/11

**[PROPOSED] ORDER AUTHORIZING CY PRES DONATION OF THE UNCLAIMED
BALANCE OF CLASS ACTION SETTLEMENT FUND TO CHARITY**

An initial distribution of the \$74.3 million net settlement fund from this action was made in September 2008 to some 2.2 million class members. In mid 2010, there still remained almost \$1,590,000 un-cashed or unclaimed returned funds in the net settlement fund. Pursuant to an Order dated September 2, 2010, a re-distribution was made in October 2010 to the class members who had cashed their initial distribution and who, on a *pro-rata* basis, were entitled to receive at least \$10 on the re-distribution. Now, over one year after the re-distribution, there is currently a residual balance of approximately \$64,400 remaining in the net settlement fund which is unclaimed.

NOW, THEREFORE, upon Plaintiffs' Counsel's application, **IT IS HEREBY**

ORDERED, that the rights of all claimants with respect to un-cashed distributions from the net settlement fund are hereby terminated and those funds will be included in the distribution authorized below.

ORDERED, that Plaintiffs' Counsel are hereby authorized to distribute the balance remaining in the net settlement fund to the Pace University Law School, Investor Rights & Advocacy Clinic.

ORDERED, that Plaintiffs' Counsel and the Claims Administrator are hereby discharged from further responsibility for the net settlement fund upon compliance with this Order.

DATED: November 14, 2011

Deborah A. Batts
THE HONORABLE DEBORAH A. BATTS
UNITED STATES DISTRICT JUDGE